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# THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Austria, Czech Republic, Denmark, Finland*, Germany, Hungary*, Ireland, Netherlands*, Norway*, Portugal*, Sweden* and United Kingdom of Great Britain and Northern Ireland:

draft resolution

1998/... Conscientious objection to military service

The Commission on Human Rights,

Bearing in mind that it is recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, as well as the right to freedom of thought, conscience and religion and the right not to be discriminated against,

Recalling its previous resolutions on the subject, most recently 1995/83 of 8 March 1995, in which it recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as well as article 18 of the International Covenant on Civil and Political Rights and General Comment No. 22 (48) of the Human Rights Committee,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Having considered the report of the Secretary-General (E/CN.4/1997/99),

Recognizing that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, moral, ethical, humanitarian or similar motives,

Aware that persons performing military service may develop conscientious objections,

Recalling article 14 of the Universal Declaration of Human Rights which recognizes the right of everyone to seek and enjoy in other countries asylum from persecution,

1. Draws attention to the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights;

2. Welcomes the fact that some States accept claims of conscientious objection as valid without inquiry;

3. Calls upon States that do not have such a system to establish independent and impartial decision-making bodies with the task of determining whether a conscientious objection is genuinely held in a specific case, taking account of the requirement not to discriminate between conscientious objectors on the basis of the nature of their particular beliefs;

4. Reminds States with a system of compulsory military service, where such provision has not already been made, of its recommendation that they provide for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, of a non-combatant or civilian character, in the public interest and not of a punitive nature;

5. Emphasizes that States should take the necessary measures to refrain from subjecting conscientious objectors to imprisonment and to repeated punishment for failure to perform military service, and recalls that no one shall be liable or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country;

6. Reiterates that States, in their law and practice, must not discriminate against conscientious objectors in relation to their terms or conditions of service, or any economic, social, cultural, civil or political rights;

7. Encourages States, subject to the circumstances of the individual case meeting the other requirements of the refugee definition as set out in the 1951 Convention relating to the Status of Refugees, to consider granting asylum to those conscientious objectors compelled to leave their country of origin because they fear persecution owing to their refusal to perform military service and there is no, or no adequate provision for conscientious objection to military service;

8. Affirms the importance of the availability of information about the right to conscientious objection to military service, and the means of acquiring conscientious objector status, to all persons affected by military service;

9. Requests the Secretary-General to transmit the present resolution to Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations and to include the right to conscientious objection to military service in the public information activities of the United Nations, including the United Nations Decade for Human Rights Education;

10. Also requests the Secretary-General to collect information from Governments, the specialized agencies and intergovernmental and non-governmental organizations on recent developments in this field and to submit a report, within existing resources, to the Commission on Human Rights at its fifty-sixth session;

11. Decides to consider this matter further at its fifty-sixth session under the agenda item "The question of conscientious objection to military service".

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